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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,401	01/31/2000	Christopher J. Buse	922-81	3358

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EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/494,401	BUSE ET AL.
	Examiner	Art Unit
	Bunjob Jaroenchonwanit	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 31 January 2000.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 January 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. This Office Action is in response to the application filed 01/31/2000. Claims 1-6 are presented for examination, the objections and rejections cited are as stated below.

### *Specification*

2. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading: specification omit DETAILED DESCRIPTION OF THE INVENTION. All Headers should appear in upper case.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoff et al (US. 5,978,373).

5. Claim 1, Hoff teaches a method of allocation protocol address to a device connected to a communication network, comprising:

placing on the network an interrogation in the form of a first control frame from a proxy (ATU-C AR broadcast query, Fig. 2, Col. 5, lines 40-42, frame or packet is required in network communication, thereby it inherent in the address resolution broadcast querying);

receiving at the proxy a response in the form of a second control frame which defines an invalid protocol address for said device (ATU-C receives AR Response, e.g., frame, with MAC address from a server, Fig. 2; Col. 5, lines 50-53); and

sending from the proxy to said device a third control frame which includes a protocol address allocated to said device (ATU-C associates the MAC address with IP address and sends to the server, Fig. 2; Col. 5, lines 56-64).

6. Claim 2, Hoff teaches a method according to claim 1 and further comprising: in response to the reception of said second control frame by said proxy, operating said proxy to test potential protocol addresses for conflict with existing protocol addresses, and obtaining said protocol address when conflict thereof with existing addresses is absent (ATU-C broadcasts a gratuitous ARP message to check conflicting IP address, Fig.2; Col. 6, lines 9-13.)

7. Claim 5 recites a method claim, fails to teach or define above or beyond the method found in claim 2 and rejected for the same rational set forth in the rejection of claim 2, supra.

8. Claim 3, Hoff teaches a method according to claim 2 and further comprising operating said proxy to obtain a protocol address for said device by any one of steps (a) to (c) as follows:

(a) by means of a request addressed according to a dynamic host communication protocol; (b) automatic private IP addressing; and (c) manual entry of the protocol address (Hoff teaches obtaining IP address using DHCP, Col. 5, line 35-Col. 6, line 42.)

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4 and6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoff et al (US. 5,978,373) in view of applicant admitted prior art (AAPA)

11. Claim 4, Hoff does not teach a method according to claim 3 wherein said steps (a) to (c) are performed in the order (a), (b) and (c) until the protocol address is obtained. Since applicant discloses in the background of the invention that these steps were used for IP addressing, page 1, lines 20-23). It would have obvious to one of ordinary skill in the art at the time of the invention was made to use these steps to ensure obtaining the Network, IP or Protocol address.

12. Claim 6 recites a method claim, fails to teach or define above or beyond the method found in claim 4 and rejected for the same rational set forth in the rejection of claim 4, supra.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.



Bunjob Jaroenchonwanit  
Examiner  
Art Unit 2141

/bj  
December 17, 2002